Readopt with amendment Ed 1019.03, effective 7-13-21 (Document #13231), to read as follows:

Ed 1019.03 Definitions. Except where the context makes another meaning manifest, the terms defined in 34 CFR 395.1, Ed 1002.01, and Ed 1109 shall have the same meanings in addition to the following terms:

(a) "Active participation" means an ongoing process of negotiations between SBVI and the committee to achieve joint planning and approval of program policies, standards, and procedures affecting the overall operation of the vending facilities program, prior to their implementation by SBVI;

(b) "Business enterprise program (BEP)" means the New Hampshire business enterprise program in the department of education;

(c) "Blind person" means "blind person" as defined in RSA 186-B:10, I. The term also includes "Iindividual who is legally blind"; ~~means a blind person as defined in 34 CFR 361.1(c);~~

(d) "Manager" means an individual who is legally blind who is licensed to operate a vending facility on federal or other property;

(e) "Roster" means a list of all qualified candidates who have successfully completed all BEP training requirements and are eligible and awaiting assignment to a vacant vending facility; and

(f) "Services for blind and vision impaired (SBVI)" means "~~B~~blind s~~S~~ervices" as defined in RSA 186-B:10, ~~-~~II.; ~~and~~

~~(g) "State committee of licensed managers (the committee)" means an officially constituted body within state government, functioning as an integral part of the state's BEP. The committee shall be consist of all licensed managers and shall carry out its duties in accordance with 34 C.F.R. 395.14.~~

Readopt with amendment Ed 1019.11, effective 7-13-21 (Document #13231) to read as follows:

Ed 1019.11 Setting Aside of Funds.

(a) In accordance with 34 CFR 395.8(c) and 34 CFR 395.9~~(c)~~, SBVI shall set aside funds from the net proceeds of the operation of vending facilities and vending machine income to the extent necessary for the following purposes:

(1) Maintenance and replacement of equipment;

(2) Purchase of new or replacement equipment;

(3) "Management services" as defined in ~~Ed~~ 34 CFR 395.1(j), including training and continuing education for managers;

(4) Retirement and pension funds, health insurance contributions, paid sick leave, and vacation time if it is determined by a majority vote of the managers licensed by SBVI to contribute and use funds set aside for these purposes after SBVI provides each manager information on all matters relevant to such funds; and

(5) The establishment of a fair minimum return.

(b) The set-aside fundscharge for each purpose listed in Ed 1019.11(a) shall be determined by SBVI with the active participation of the state committee of licensed managers and shall be designed to prevent, so far as is practicable, a greater assessmentcharge than is reasonably required.

(c) SBVI shall maintain adequate records to support the reasonableness of the assessmentscharges, including any reserves necessary to assure that these purposes can be achieved on a consistent basis.

(dc) The amount of set-aside funds set aside in Ed 1019.11(a) above shall be:

(1) A percentage of net proceeds consistent with 34 CFR 395.9;

(2) Be aAssessed monthly; and

(32) Be aA percentage of net proceeds of the monthly profit and loss statement provided that:

a. The manager has net proceeds before set aside of over $1,700 for that month; and

b. Either:

a1. The set aside fundscharge does not reduce the net proceeds below $2,8001,700; or

b2. In order to assure a fair minimum return to managers, aAny set aside assessment which lowers a manager's net proceeds below $2,8001,700 for that month shall be reduced to the extent necessary to prevent the assessment itself from reducing the manager's net proceeds below by the amount required to raise the net proceeds to $2,8001,700 for that month, and no set-aside will be collected that month if the manager's proceeds before assessment are less than $2,800;.

(d) The percentage in Ed 1019.11(c) shall be a percentage of net proceeds and shall be

(4) rReviewed every 2 years by SBVI with the active participation of the committee of licensed managers; and. The new percentage shall be

(5) sSet by utilizing the running average balance of the set aside account over the previous 2-year period, the Consumer Price Index, and projected needs.

(e) If the set-aside percentage is changed, SBVI shall submit anythe change in the set-aside percentage to the secretary of the Rehabilitation Services Administration (RSA)committee for approval prior to implementation in accordance with 34 CFR 395.3(a)(11)(iii)-(iv).

Appendix I

Rule	Statute
Ed 1019.03	RSA 186-B:10; RSA 186-B:11-a
Ed 1019.11	34 CFR 395.8; 34 CFR 395.9; RSA 186-B:14